

Analysis of a sample of the article by this Department showed that it consisted essentially of petrolatum containing small proportions of camphor, menthol, and pine oil, colored with a green dye. Bacteriological examination showed that the article was neither antiseptic nor germicidal.

It was alleged in the libel that the article was adulterated in that it fell below the professed standard or quality under which it was sold, namely, "Antiseptic, germicidal."

Misbranding was alleged for the reason that the following statements in the labeling were false and misleading: (Carton) "It is antiseptic, germicidal"; (circular) "The Pine Needle Oil used in Pine Tree Products is secured by the distillation of pine needles which are carefully selected and clipped from the branches of the famous Balsam Pines without injury to the trees. It is then highly refined. Pine Needle Oil contains natural antiseptic qualities which make it a most desirable and efficient remedy. Pine Needle Oil has a most pleasant odor, and will not injure the most delicate tissues of the body, and is recognized as one of the most effective disinfectants, germicides and antiseptics against many groups of pathogens." Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article were false and fraudulent: (Carton) "In the treatment of all cases of local inflammation; such as * * * Catarrh, Sore Throat or Congestion, * * * reduces inflammation"; (label) "Also excellent as an alleviative for * * * Congestion, Sore Throat, Catarrh, etc."; (circular) "In the treatment of Eczema, Pimples, Eruptions, * * * Piles, * * * Itch, * * * Key letter following word indicates treatment best suited. Asthma (C) Bronchitis (B & C) Catarrh (B and C) * * * Croup (B and C) Pneumonia (B and C) Sore Throat (B) Whooping Cough (B) * * * Boils (A) Hay Fever (B and C) * * * Eruptions, Pimples."

On December 28, 1932, the Pine Tree Products Co., Newport, N.H., appeared and filed an answer, and a motion to dismiss the libel. On February 10, 1933, the intervenor filed an amended answer admitting the allegations of the libel and consenting to the entry of a decree. On February 14, 1933, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20596. Adulteration and misbranding of Keyser's "Pink" Kold Kapsules. U.S. v. Ernest L. Keyser (Keyser Chemical Co.). Plea of nolo contendere. Fine, \$5. (F. & D. no. 27454. I.S. no. 27792.)

This case was based on an interstate shipment of drug capsules which were represented to contain, among other ingredients, $\frac{1}{2}$ grain of salol, and $\frac{1}{2}$ grain of either cinchonine or cinchonidine salicylates. Analysis showed that the article contained less than half the quantity of salol declared, and contained little, if any, cinchonine or cinchonidine salicylate, but did contain a small proportion of undeclared cinchona alkaloid, largely or entirely quinine.

On January 2, 1933, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Ernest L. Keyser, trading as Keyser Chemical Co., Roanoke, Va., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about March 6, 1931, from the State of Virginia into the State of North Carolina, of a quantity of drug capsules that were adulterated and misbranded. The article was labeled in part: "Keyser's 'Pink' Kold Kapsules * * * Keyser Chemical Co., Inc., Roanoke, Virginia. * * * Salol Grs. $\frac{1}{2}$ * * * Cinchon, Salicyl Grs. $\frac{1}{2}$."

It was alleged in the information that the article was adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since each capsule was represented to contain $\frac{1}{2}$ grain of salol, and $\frac{1}{2}$ grain of either cinchonine salicylate or cinchonidine salicylate, whereas each of the capsules contained not more than 0.182 grain of salol; contained much less than $\frac{1}{2}$ grain each, if any, cinchonine salicylate or cinchonidine salicylate, and contained approximately $\frac{1}{45}$ grain of a salt of one or more cinchona alkaloids, largely or entirely quinine, not declared as an ingredient.

Misbranding was alleged for the reason that the statements, "Kapsules * * * Salol Grs. $\frac{1}{2}$ * * * Cinchon, Salicyl Grs. $\frac{1}{2}$ ", borne on the bottle label, were false and misleading, since the statements represented that the

capsules each contained $\frac{1}{2}$ grain of salol, and $\frac{1}{2}$ grain of either cinchonine salicylate or cinchonidine salicylate, whereas they contained less than $\frac{1}{2}$ grain of salol, they contained less than $\frac{1}{2}$ grain of cinchonine salicylate or cinchonidine salicylate, and did contain a small proportion of a salt of one or more cinchona alkaloids, largely, if not entirely, quinine.

On January 2, 1933, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of \$5.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20597. Adulteration and misbranding of drug tablets. U.S. v. John A. Borneman. Plea of guilty. Fine, \$100. (F. & D. no. 29396. I.S. nos. 43027, 43028.)

This action was based on the interstate shipment of two lots of drug tablets. Analyses showed a shortage of acetphenetidin in one of the products, and a shortage of strychnine sulphate in the other product.

On January 11, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against John A. Borneman, Norwood, Pa., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about February 6, 1932, from the State of Pennsylvania into the State of New Jersey, of quantities of drug tablets that were adulterated and misbranded. One product was labeled in part: "50 Acetphenetidin 1 gr. Eupatorium Tr. Bryonia Tr. Gelsemium Tr." The remaining product was labeled in part: "54 Strychnine Sulph 1-60 gr. Strophanthus Tr. 2 drops Digitalis Tr. 2 drops." Both products were further labeled: "John A. Borneman Homeopathic Manufacturing Pharmacist Norwood, Pa."

It was alleged in the information that the articles were adulterated in that they fell below the professed standard and quality under which they were sold, in that the former was represented to contain 1 grain of acetphenetidin, and contained less than so represented, namely, 0.8 grain of acetphenetidin; and the latter was represented to contain 1-60 grain of strychnine sulphate, and contained less than so represented, namely, not more than 1-75 grain of strychnine sulphate.

Misbranding was alleged for the reason that the statements, "Acetphenetidin 1 gr." and "Strychnine Sulph 1-60 gr.", borne on the labels of the respective products, were false and misleading.

On March 20, 1933, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$100.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20598. Misbranding of Yum for Headache. U.S. v. 477 25-cent and 100 10-cent Boxes of Yum for Headache. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29887. Sample nos. 21593-A, 21594-A.)

Examination of the drug preparation, Yum for Headache, disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. The label bore a declaration of the phenacetin (acetphenetidin) present in the article, but failed to state that phenacetin is a derivative of acetanilid.

On February 24, 1933, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 477 25-cent and 100 10-cent boxes of Yum for Headache, remaining in the original unbroken packages at Hoboken, N.J., alleging that the article had been shipped in interstate commerce, on or about February 8, 1933, by the Ex-Lax Manufacturing Co., from Brooklyn, N.Y., to Hoboken, N.J., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Yum * * * Yum Products Corp., Brooklyn, N.Y."

Analysis of a sample of the article by this Department showed that the tablets each contained approximately 2 grains of acetphenetidin (phenacetin), 2 grains of acetylsalicylic acid, and $\frac{1}{2}$ grain of caffeine.

It was alleged in the libel that the article was misbranded in that the label failed to bear a statement of the quantity or proportion of phenacetin (a derivative of acetanilid) contained in the article, in the manner required by the regulations for the enforcement of the Food and Drugs Act, since the state-